

REMARKS

As discussed briefly with the Examiner, a commercial product incorporating the previously claimed invention is currently the subject of litigation brought by the owner of the cited Ilsen patent. The nature of the litigation with Ilsen's owner is such as to generate a stream of prior art that renders prosecution of these previous claims and the updating of the information disclosure statement difficult.

Accordingly, without prejudice to filing a continuation application on the previously pending claims, the Applicant has cancelled the previously pending claims and has provided 12 new claims (six apparatus and six corresponding method claims) that are believed to be sufficiently outside the scope of the ongoing litigation to be satisfactorily subject to examination.

These new claims describe an inventive feature that provides two modes of participation by a patient in a web-based health record system. The initial mode is an "anonymous mode" with limited functionality that allows a user to try out the advantages of a personal health record without a significant commitment in registration time or the need to reveal identifying information. A second mode is a "registered mode" having improved functionality but requiring registration by the user. Significantly, in the registered mode, data previously entered by the user in the anonymous mode may be reused without reentry of that data by the patient. In this way, an unintended but natural disincentive to register after a prolonged anonymous mode use is avoided.

The invention also has significant implications with respect to providing healthcare services to those who may be reluctant to reveal personal information required for registration. One such category is recent immigrants. The dual operating mode of the invention allows some valuable services to be provided to this group of people and yet safeguards the integrity and privacy of health records by requiring registration where significant privacy rights would be implicated.

Support for these new claims is found in the general description of the invention covering a clinical medical record database with Web accessibility. These particular claimed features of the invention are described at paragraphs [0024]-[0025] of the published application corresponding to page 7, lines 6-25 of the filed application.

Inventor(s): Ervin Dennis Walter, et al.

Serial No.: 09/821,615

Page 6 of 6

In light of these new claims and remarks, it is believed that new claims 71-82 are now in condition for allowance, and allowance is respectfully requested.

Respectfully submitted,

By: 

Keith M. Baxter

Reg. No. 31,233

Attorney for Applicant

Boyle Fredrickson, SC

840 North Plankinton Avenue

Milwaukee, WI 53203